

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

FILED

In re

:

Chapter 11

1999 JUL 19 P 3:47

BOSTON CHICKEN, INC.,
a/k/a BOSTON CHICKEN/
BOSTON MARKET

:

NOTICE OF MOTION FOR RELIEF
FROM AND MODIFICATION OF
AUTOMATIC STAY AS TO SHARON SZABO

Debtors.

:

Case No. 98-12548-ECF-CGC

TO:

HONORABLE CHARLES G. CASE
United States Bankruptcy Judge
District of Arizona
2929 North Central Avenue
Post Office Box 34151
Phoenix, AZ 85067-4151

BRENDA MOODY WHINERY
U.S. Trustee
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Attorney for Defendant, Mid-Atlantic Restaurant Systems

PLEASE TAKE NOTICE that on the _____ day of _____, 1999, at _____ in the forenoon or as soon thereafter as counsel can be heard, the undersigned, as counsel for Sharon Szabo ("Movant"), residing at 400 Atlantic Avenue, Ocean City, New Jersey, shall move before the Honorable Charles G. Case, United States Bankruptcy Judge, at the District of Arizona, for the entry of an order:

1. Granting Movant relief from the automatic stay imposed by Section 362(a) of the Bankruptcy Code;
2. Modifying the automatic stay of Section 362(a) of the Bankruptcy Code to permit the prosecution to conclusion of a civil lawsuit, and the obtaining and enforcement of a judgment for personal injuries sustained by the Movant as a result of the negligence of the Debtor, his agents, servants and employees by proceeding against the coverage provided by the Debtor's insurance carrier; and
3. Granting such other and further relief as is equitable and just under the circumstances.

PLEASE TAKE FURTHER NOTICE that reliance shall be placed upon the Application of Counsel submitted herewith and made a part hereof. No brief is necessary as no contested questions of law or facts are involved.

WESTMORELAND, VESPER & SCHWARTZ
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Attorneys for Movant, Sharon Szabo

BY: 

David I. Sinderbrand, Esq.
0901

DATED: July 15, 1999